

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JAMES CHEATWOOD and LISA)
CHEATWOOD,)
)
Plaintiffs,)
)
v.) **Case No. CIV-10-137-JHP**
)
RON LOCKHART, TRAVIS GABBERT,)
DENNIS THOMAS and MARK COINER,)
)
Defendants.)

AMENDED ORDER

Rule 41(b) of the Federal Rules of Civil Procedure provides as follows:

(b) For failure of the plaintiff to prosecute **or to comply with these rules or any order of court**, a defendant may move for dismissal of an action or any claim against the defendant. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for by this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

(Emphasis added)

In this case the Plaintiffs have failed to comply with an order of the Court. On April 6, 2011, the Court addressed in an Order Plaintiff's Attorney's Motion to Withdraw. This Court entered an Order requiring the Plaintiffs to, within 15 days, either enter an appearance *pro se* or retain new counsel who was to file an entry of appearance. [Doc. No. 61] As of the date of this Order, the Plaintiffs have neither retained new counsel nor entered an appearance *pro se*. The Plaintiffs were advised in this Court's Order that if they failed to comply with the Order, the Court could impose sanctions "up to and including dismissal of their claims against the Defendants." [Doc. No. 61]

In light of the Plaintiffs' failure to comply with this Court's order, this Court dismisses this action without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED, this 21st day of June, 2011.



James H. Payne
United States District Judge
Eastern District of Oklahoma